

07-02-04

IFW

Docket No. 4497A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Uzunian, et al.
Serial No.: 10/624,835
Date Filed: July 21, 2003
Title: THE USE OF EFFECT PIGMENTS IN INGESTED PRODUCTS
Examiner: M. Young
Unit: 1615

RECEIVED
JUL - 6 2004
OIP E / JCWS

July 1, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed, except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120.

Serial No.:
Filing Date:

- a) This is a supplemental Information Disclosure Statement under 37 CFR 1.99; a previous Information Disclosure Statement was filed on August 20, 2003 and October 28, 2003.
- b) This Supplemental Information Disclosure Statement is being submitted as the information was brought to the attention of applicant.

CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below as "Express Mail Post Office to Addressee", Mailing Label No. EV441766384 US in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: July 1, 2004

07/06/2004 AWONDAF1 00000128 051070 10624835

01 FC:1806 180.00 DA

Janet Szot

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ☐ Copy of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".
- (c) ☐ Abstracts by recognized library services.

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ☐ Within 3 months of the filing date or date of entry into the National Stage.
- (b) ☐ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 05-1070 for consideration of this Statement.
- (c) ☒ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.
 - (1) ☐ The required certification is given below, or
 - (2) ☐ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or
 - (3) ☒ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 05-1070.
- (d) ☐ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.
 - (1) ☐ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(i)(1), or
 - (2) ☐ Charge the fee set forth in 37 C.F.R. 1.17(i)(1) to Deposit Account No. 05-1070.

4. ____ The undersigned hereby certifies that no item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making a reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

5. The Commissioner is authorized to charge any fee, which may be required for consideration of this Statement or credit any overpayment to Deposit Account No. 05-1070.

Respectfully Submitted,

By: Melanie L. Brown
Melanie L. Brown
Reg. No. 31,592

ENGELHARD CORPORATION
101 Wood Avenue
P.O. Box 770
Iselin, NJ 08830-0770
(732) 205-5181

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
4497A

In Re Application OR Gabriel B. Uzunian, et al.

Serial No.
10/624,837

Filing Date
July 21, 2003

Examiner
-

Group Art Unit
1755-1615

Title: **THE USE OF EFFECT PIGMENTS IN INGESTED PRODUCTS**

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a Final Action under 37 CFR 1.113, or
2. a Notice of Allowance under 37 CFR 1.311,

whichever occurs first.

Also submitted herewith is:

- ☐ a certification as specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
4497A

In Re Application Of **Gabriel E. Uzunian, et al.**

Serial No.
10/624,837

JUL 02 2004

Filing Date
July 21, 2003

Examiner
-

Group Art Unit
1755

Title: **THE USE OF EFFECT PIGMENTS IN INGESTED PRODUCTS**

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____) on _____

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on August 20, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Janet Szot
Signature of Person Mailing Correspondence

Janet Szot

Typed or Printed Name of Person Mailing Correspondence

*This certificate may only be used if paying by deposit account.

Melanie L. Brown

Signature

Melanie L. Brown, Reg. No. 31,592

Dated: August 20, 2003

CC:

PATENT - US

Serial No. 10/624,837⁵ Atty. Docket No. 4497A Atty. MLB
Title THE USE OF EFFECT PIGMENTS IN INGESTED PRODUCTS
(Uzunian, et al)

Receipt of the following is acknowledged by the USPTO on the date stamped hereon.

- | | | |
|---|---|---|
| <input type="checkbox"/> Patent Appl. | <input type="checkbox"/> Completion of Filing Req. | <input type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> _____ Pgs. Spec & Abstract | <input type="checkbox"/> Petition to Extend _____ Mos. | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> _____ Pages of Claims | <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Amendment Under 37 CFR _____ |
| <input type="checkbox"/> _____ Sheets of Drawings | <input type="checkbox"/> Petition Under 37 CFR _____ | <input checked="" type="checkbox"/> Info. Disclosure, PTO 1449, <u>2</u> Ref: |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Internat'l Search Report, _____ Ref: | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Oath or <input type="checkbox"/> Declaration | <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Maintenance Fee Transmittal |
| <input type="checkbox"/> 37 CFR 1.60 Application | <input type="checkbox"/> Request for Cert. of Corr. | |
| <input type="checkbox"/> Div. <input type="checkbox"/> Cont. | | |
| <input type="checkbox"/> 37 CFR 1.62 FWC Application | | |
| <input type="checkbox"/> Transmittal Letter | | |
| <input type="checkbox"/> Certificate of Mailing | | |
| <input type="checkbox"/> Auth to Charge Dep. Account | | |
| <input type="checkbox"/> Assignment for Recording | | |
| <input type="checkbox"/> Recordation Cover Sheet | | |
| <input type="checkbox"/> _____ | | |
| <input type="checkbox"/> _____ | | |
| <input type="checkbox"/> _____ | | |

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PLEASE STAMP US SERIAL NO. HERE

JS

10/28/03

PATENT - US

Serial No. 10/624,837⁵ Atty. Docket No. 4497A Atty. MLB
Title THE USE OF EFFECT PIGMENTS IN INGESTED PRODUCTS
(Uzunian, et al)

Receipt of the following is acknowledged by the USPTO on the date stamped hereon.

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|---|--|--|
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| <input type="checkbox"/> _____ Pgs. Spec & Abstract | <input type="checkbox"/> Petition to Extend _____ Mos. | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> _____ Pages of Claims | <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Amendment Under 37 CFR _____ |
| <input type="checkbox"/> _____ Sheets of Drawings | <input type="checkbox"/> Petition Under 37 CFR _____ | <input checked="" type="checkbox"/> Info. Disclosure, PTO 1449, <u>2</u> Refs. |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Internat'l Search Report, _____ Refs. | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Oath or <input type="checkbox"/> Declaration | <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Maintenance Fee Transmittal |
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| <input type="checkbox"/> Div. <input type="checkbox"/> Cont. | | |
| <input type="checkbox"/> 37 CFR 1.62 FWC Application | | |
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| <input type="checkbox"/> Auth to Charge Dep. Account | | |
| <input type="checkbox"/> Assignment for Recording | | |
| <input type="checkbox"/> Recordation Cover Sheet | | |
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OCT 30 2003

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10/28/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Uzunian, et al.
Serial No.: 10/624,837-5
Date Filed: July 21, 2003
Title: THE USE OF EFFECT PIGMENTS IN INGESTED PRODUCTS

October 28, 2003

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

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Serial No.:
Filing Date:

- a) This is a supplemental Information Disclosure Statement under 37 CFR 1.99; a previous Information Disclosure Statement was filed on August 20, 2003.
- b) This Supplemental Information Disclosure Statement is being submitted as the information was brought to the attention of applicant.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: October 28, 2003


Janet Szol

10/624,835

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ☐ Copy of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".
- (c) ☐ Abstracts by recognized library services.

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 - (2) ☐ Charge the fee set forth in 37 C.F.R. 1.17(i)(1) to Deposit Account No. 05-1070.

4. _____ The undersigned hereby certifies that no item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making a reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

5. The Commissioner is authorized to charge any fee, which may be required for consideration of this Statement or credit any overpayment to Deposit Account No. 05-1070.

Respectfully Submitted,

By: Melanie L. Brown
Melanie L. Brown
Reg. No. 31,592

ENGELHARD CORPORATION
101 Wood Avenue
P.O. Box 770
Iselin, NJ 08830-0770
(732) 205-5181

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional) 4497A	Application Number 10/624,831 5
	Applicant(s) ENGELHARD CORPORATION	
	Filing Date July 21, 2003	Group Art Unit

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,611,851	3/18/1997	DeLuca, et al.	106/415		

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		WO98/56261	12/17/1998	PCT				

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SERIAL NO. 10/624,835

APPLICANT: Uzunian, et al.

GROUP:

INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

QIPE INFORM
JUL 02 2004
TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

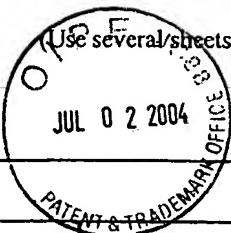
OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	EM Industries Petition to the Food and Drug Administration (12 pages) – dated April 21, 1998.
	EM Industries Petition to the Food and Drug Administration (77 pages) – dated July 20, 1998
	Merck Candurin QC Test Procedures (10 pages)– dated July 1996
	Merck Candurin Product Datasheets (19 pages) – dated August 1996
	European Commission Directive 95/45/EC (41 pages) – dated Aug. 25, 1999

Examiner	Date Considered
-----------------	------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

INFORMATION DISCLOSURE STATEMENT PTO-1449 (Modified)

APPLICANT'S ART CITATION (Use several sheets if necessary) 								Application Serial No. 10/624,837				Docket No. 4497A			
								Applicant Gabriel E. UZUNIAN, et al.							
								Filing Date July 21, 2003				Group Art Unit 1755			
U.S. PATENT DOCUMENTS															
Examiner Initial	Document Number							Date	Name	Class	Sub-class	Filing Date If Appropriate			
	*5	4	3	3	9	5	6	7/18/1995	Patel						
	*5	2	4	4	6	6	9	9/14/1993	Sato, et al.						
	*4	9	9	6	0	6	7	2/26/1991	Kobayashi, et al.						
	*5	5	4	1	2	3	1	7/30/1996	Ruff, et al.						
	*3	6	5	8	5	5	2	4/25/1972	Carlson, et al.						
	*5	8	5	8	0	7	8	1/12/1999	Andes, et al.						
	*3	1	3	8	4	7	5	6/23/1964	Schroder, et al.						
	*3	3	4	0	0	0	6	9/5/1967	Mochel						
	*3	3	9	5	2	0	3	7/30/1968	Morita						
	*3	5	8	2	3	8	2	6/1/1971	Watanabe, et al.						
FOREIGN PATENT DOCUMENTS															
	Document Number							Date	Country	Class	Sub-class	Translation			
	Yes	No													
	*2	2	5	7	4	33	A	1/13/1993	United Kingdom						
	*0	0/	0	3	6	0	9	1/27/2000	PCT			X			
	*0	6	4	9	8	16	A1	4/26/1995	European			X			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)															
	* Abstract (esp@cenet); DE4214367; Gerhard, et al.; Colour pigment particle for use with foodstuff - comprises aluminum body with overcoat film of ferric oxide; published Nov. 11, 1993.														
	* Patent Abstracts of Japan; 07223816; Yukie, et al.; Photochromic Composite Material, Production Thereof and External Agent for Skin; published Aug. 22, 1995.														
	* Abstract (Derwent/WPI); JP1264932A; Ishihara Sangyo Kaisha Ltd.; Manufacture Acicular Titanium Dioxide Pigment React Acid Alkali Tin Salt Aqueous Titanium Dioxide Slurry Effect Surface Coating; Oct. 23, 1989.														
	* Abstract (DialogIP); JP 61268620 A; Matsumoto Yushi Seiyaku KK; Granular drug composition for animals - obtained by spraying dispersion of crystallising substance in fused mixture of drug and wax; May 22, 1985.														
Examiner								Date Considered							
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.															